

view of a combination of U.S. Patent No. 6,061,660 issued to Eggleston and U.S. Patent No. 5,724,521 issued to Dedrick, pursuant to 35 U.S.C. § 103(a). Although Applicant recognizes that the Examiner is not obligated to consider or enter this reply, Applicant believes that the following remarks will assist the Examiner in understanding the clear and important distinctions between the claimed invention and the cited prior art references, thus obviating the need for an appeal. Indeed, if after reviewing this response there are continuing concerns, Applicant would welcome the opportunity to participate in a telephonic interview with the Examiner and/or the Supervisory Examiner to discuss possible resolutions to any remaining issues and/or to clarify issues for appeal.

At the outset, Applicant maintains that the only teaching or suggestion that supports the combination of the cited prior art references is found in the teachings of the present application. However, for purposes of this reply only, Applicant will assume that the combination of prior art references was proper. Therefore, as the Examiner recognizes, the combination of the Eggleston and Dedrick references is essentially considered a single prior art reference in examining each claim. Nevertheless, "the prior art references (or references when combined) must teach or suggest all of the claims limitations." MPEP § 706.02(j) (emphasis added).

In this regard, one important limitation of each independent claim is the comparison of user identifying information to target advertising profiles, with the user being re-directed to an advertisement of a particular advertiser based on such a comparison.¹ When this issue was raised

¹ Claim 1 recites "wherein when a sweepstakes player enters a sweepstakes for a particular prize, the identifying information related to said sweepstakes player stored and maintained in said first database is compared to the target advertising profiles stored and maintained in said third database, and said user is directed to a specific advertisement of a particular advertiser registered with the system based on said comparison...."

in response to the initial Office Action, the Examiner replied that "Dedrick discloses comparing identifying information of the user to the target advertising profiles (col 2, lines 1-20; col 1, lines 45-58)...." See Final Office Action at p. 9, lines 11-12. This is an inaccurate characterization of the Dedrick disclosure. Rather, Dedrick describes a "consumer matching process" that is designed to assign a value to the group of end users an advertiser is given access to. Perhaps as best described at column 5, lines 14-19 and lines 36-53:

Thus, the consumer scale provides a mechanism by which a metering server 14 can determine how valuable the end users coupled to that server 14 are to the advertiser 18. The advertiser 18 indicates how much it is willing to pay for access to those end users, based on the consumer characteristics of those end users....

For example, the advertiser 18 may select five different consumer variables to associate with a particular advertisement. Then, as part of the consumer threshold scale, the advertiser 18 may select that it will pay the highest fee when at least 60% of the variables are satisfied by at least 75% of the end users coupled to the metering server 14. Thus, in this example, three of the five consumer variables must be associated with 75% of the end users coupled to the metering server 14 in order for the advertiser 18 to pay the highest fee. Alternatively, a minimum number, such as ten end users, may be utilized rather than a percentage for determining how many end users of the metering server 14 must satisfy the 60% of consumer variables requirement in order for the advertiser 18 to pay the highest fee. The advertiser 18 also sets the lowest price it is willing to pay (such as zero

Claim 10 provides for "comparing identifying information of each of said entering and selecting sweepstakes players with said target advertising profiles and directing each entering and selecting sweepstakes players to a specific advertisement web site based on said comparisons...."

Claim 11 provides for "re-directing the particular sweepstakes player to an advertisement of a particular advertiser registered with the system based on said comparison,...."

Claim 12 provides for "placing each of said players entering said network in communication with a specific advertisement web site of one of said advertisers based upon a match between said information associated with said players entering said network and said demographic profiles...."

dollars) to allow end users with a very poor match (such as 0% of the variables are satisfied) to the consumer scale.

This is quite different and distinct from the comparison function of the present invention in which an individual user is directed to an advertisement based on certain identifying information associated with the user. Furthermore, with respect to Eggleston and as previously discussed in response to the initial Office Action, although Eggleston does recognize that user activities may be logged for subsequent review, it does not describe or suggest any comparison of identifying information for purposes of directed advertising.

In short, neither Dedrick nor Eggleston teach or describe the concept of comparing identifying information associated with a particular user to target advertising profiles, with the user being re-directed to an advertisement of an advertiser based on such a comparison. Thus, regardless of the propriety of combining the references, since neither reference teaches or suggests this claim limitation, the obviousness rejection is improper and should be withdrawn.

As a further distinction, Applicant again points out that each claim also includes a limitation that a particular prize be distributed once a predetermined threshold has been satisfied.² When this issue was raised in response to the initial Office Action, the Examiner

² Claim 1 recites "wherein said sweepstakes is conducted to distribute the particular prize once a predetermined revenue has been generated by the directing of users to advertisements."

Claim 10 includes the step of "randomly selecting one of said entering and selecting sweepstakes players for awarding said selected prize thereto when said revenue equals a predetermined value."

Claim 11 includes the step of "distributing the particular prize to one of the sweepstakes players that have entered the sweepstakes for the particular prize through a random drawing, said drawing being initiated when the advertising revenue generated through re-

replied that "Eggleston further discloses distributing a particular prize once a predetermined threshold has been met (col 30, line 65 – col 31, line 5)." See Final Office Action at p. 9, lines 17-18. However, this cited excerpt only discusses an example in which a user is eligible for entry into a sweepstakes upon accumulating a certain number of "loyalty points." As such, the eligibility "threshold" is a user-specific threshold based upon the activities of a particular user. Quite distinctly, the threshold recited in the claims of the present invention is prize-specific in that a particular prize is distributed only after a certain number of users have been re-directed to revenue-generating advertisements. In other words, the prizes of the present invention are distributed based on the activities of multiple users, not based on the accumulated "loyalty points" of a single user. Therefore, regardless of the propriety of combining the references, since neither reference teaches or suggests this claim limitation, the obviousness rejection is improper and should be withdrawn.

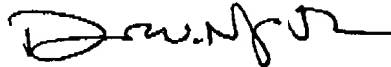
Although there are other relevant distinctions, Applicant believes that the above remarks clearly and concisely demonstrate that the invention, as recited in claims 1-14, is patentably distinct over a combination of the Dedrick and Eggleston prior art references. Therefore, Applicant respectfully requests withdraw of the Final Office Action and allowance of all claims now pending in the present application. Again, if after reviewing this response there are continuing concerns, Applicant would welcome the opportunity to participate in a telephonic

direction of sweepstakes players exceeds the selling price established by the prize presenter by a predetermined amount."

Claim 12 provides for "randomly selecting one of said players selecting said prize for an award thereto of said prize when a predetermined value proportional to the number of times each of said entering players was placed in communication with said specific advertisement web sites has been reached."

interview with the Examiner and/or the Supervisory Examiner to discuss possible resolutions to any remaining issues and/or to clarify issues for appeal.

Respectfully submitted,



David W. Nagle, Jr.
Reg. No. 42,923
STITES & HARBISON, PLLC
400 W. Market Street
Louisville, Kentucky 40202-3352
Phone (502) 587-3400
Facsimile (502) 587-6391